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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
MEDFORD DIVISION

**GREATER HELLS CANYON COUNCIL,
OREGON WILD, CENTRAL OREGON
LANDWATCH, SIERRA CLUB, GREAT
OLD BROADS FOR WILDERNESS, and
WILDEARTH GUARDIANS,**

Plaintiffs,

v.

HOMER WILKES, in his official capacity as Undersecretary for Natural Resources and Environment; **GLENN CASAMASSA**, in his capacity as Regional Forester for Region 6; and the **UNITED STATES FOREST SERVICE**,

Defendants,

**AMERICAN FOREST
RESOURCE COUNCIL, and
EASTERN OREGON COUNTIES
ASSOCIATION,**

Defendants-Intervenors.

Case No. 2:22-cv-00859-HL

**DECLARATION OF
BRIAN KELLY**

I, Brian Kelly, state and declare as follows:

1. I reside in La Grande, Oregon, where I have lived since 1982. I have personal knowledge of the facts below, and if called as a witness I would and could truthfully testify thereto.

2. I am the Restoration Director for Greater Hells Canyon Council (“GHCC”), formerly Hells Canyon Preservation Council. I have been employed by GHCC since 2005.

3. As Restoration Director for GHCC, I spend a significant amount of time working on issues related to lands in the Umatilla National Forest, including reviewing and commenting on forestry projects. I have a Bachelor of Science degree from Cornell University with a major in Plant Sciences, and as part of my degree program I completed extensive coursework at the College of Environmental Science and Forestry at Syracuse University including a summer forestry field session. I am a Certified Arborist in good standing with the International Society of Arboriculture and have been since 1996. Additionally, I attained the Tree Risk Assessment Qualification from the International Society of Arboriculture in 2015.

4. Prior to working for GHCC, I was the City of La Grande’s Urban Forestry Consultant from 1996 to 2005. Before that, from 1980 to 1996, I worked as a contracting forester based in La Grande, Oregon. During this time, I successfully completed numerous contracts with the United States Forest Service (“USFS”). Much of this work was completed on the Umatilla National Forest. Much of the additional work was completed nearby in the Blue Mountains of northeast Oregon.

5. My work at GHCC has included work advocating for protection of large trees, old-growth trees, and old-growth forests from the impacts of proposed projects.

6. I am familiar with and support GHCC's mission to connect, protect, and restore the wild lands, waters, native species and habitats of the Greater Hells Canyon Region, ensuring a legacy of healthy ecosystems for future generations. GHCC has been involved in commenting on the Ellis Integrated Vegetation Project throughout the federal environmental review process.

7. On behalf of GHCC, I wrote and sent to the Forest Service detailed scoping comments on January 15, 2019. I also wrote and sent to the Forest Service detailed comments on the Draft Environmental Impact Statement on April 18, 2022. Our comments described our concerns about the potential harmful environmental impacts that would result from approval of logging large trees within this proposed project.

8. Our comments on the Draft Environmental Impact Statement stated:

"We strongly oppose the logging of any species of large trees (21 inches or greater in diameter at breast height) as proposed in Alternative 5. The largest trees are the most-fire-resistant trees. Logging the largest and most fire-resistant trees would create the opposite effect of the desired conditions of forest resiliency for the Ellis project. Additionally, the largest trees are the largest sources of carbon sequestration in our forests. Logging the most productive carbon-sequestering trees would create negative environmental impacts for the huge challenge of climate change. We believe you can meet the purpose and need of this project without logging these important wildlife and wildfire resistant trees. Please do not do this."

Further, the removal of the standard within the Umatilla Forest Plan that prohibited the logging of trees 21" and over (commonly known as the 21" rule) was done through a flawed process that was both procedurally and substantively inconsistent with the National Environmental Policy Act (NEPA) and the National Forest Management Act (NFMA). Any action taken pursuant to the amended management direction for large diameter trees would also be inconsistent with both NEPA and NFMA.

If you do decide to go ahead with this activity please disclose the number of trees 21" and over that will be logged; the species, age and size of these trees, and how many acres of forest within and/or outside stands classified as Late and Old Structure will include large tree logging. It is near impossible to determine the effect of large tree logging without this information."

9. Our comments on the Draft Environmental Impact Statement also requested that a new Alternative be created and selected in the forthcoming draft decision. We asked that this new Alternative would include several protections including no large tree logging.

10. I regularly visit the Umatilla National Forest and the Ellis project area as I drive from my home in La Grande for work and recreation. My normal and regular outdoor activities in the Umatilla National Forest include skiing, hiking, camping, viewing wildlife, bird-watching, and appreciating the aesthetics of the natural world. These activities provide a healthy, positive, spiritual benefit for my life. Logging large trees in the Ellis project would harm my enjoyment of these pursuits.

11. I last visited the Ellis project area on September 29, 2022 with Forest Service staff, members of the Northern Blues Forest Collaborative, and other members of the public. This was an informational field trip about the Ellis project. I plan to visit the Ellis project area again during the 2023 summer /autumn field season and likely during each of the field seasons after that for the foreseeable future. The purpose for my visits to the Ellis project area will be both professional on behalf of my work for GHCC and recreational. Logging large trees in the Ellis project area would harm my enjoyment of these pursuits.

12. I care deeply about the Umatilla National Forest and the Ellis project area. I'm very concerned about the effects to the forests if the large and old trees are cut down and logged.

13. My interests, and those of GHCC, will be irreparably harmed if the logging of large trees on the Ellis project is authorized. A decision by the court to block the logging of large trees would be favorable in that it would prevent the harmful effects described above. My interests, and those of GHCC, would be protected if the logging of large trees is not authorized.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 26th day of December, 2022 in La Grande, Oregon.

/s/ Brian Kelly (wet signature on file)

Brian Kelly